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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,612

04/02/2004

Kia Silverbrook

HYC002US

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07/26/2006

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, NSW 2041
AUSTRALIA

EXAMINER

HESS, DANIEL A

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,612

Applicant(s)

SILVERBROOK ET AL.

Examiner

Daniel A. Hess

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 17-23 and 36-45 is/are allowed.
- 6) ☒ Claim(s) 14-16 and 24-30 is/are rejected.
- 7) ☒ Claim(s) 31-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to Applicant's amendments, arguments, and Request for Continuing Examination (RCE) of 4/27/06, all of which have been entered into the electronic file of record.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-16 and 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "the form" twice, in lines 13 and 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "the form", in lines 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the form" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Napier et al. (US 5,571,358).

Napier teaches (column 10, lines 50+):

“... processing stations often used in the manufacture of product labels. One such station, the numbering station 334 (FIG. 6e) ... adds **serial numbers to the labels useful in tracking products, determining sweepstakes winners**, etc.”

Clearly the use of uniquely identifying numbers on labels of products for entry into contests (sweepstakes) is known in the art. The use of barcodes is understood in the art to be a common way to speed the process of entering long serial numbers into a computer. That the product label may further include information fields is typical; product labels, after all, normally present information about the product.

The use of a programmed computer system to process the serial numbers to enter a serial number into a sweepstakes is obvious; the alternative would be a manual process, which would be way too resource-intensive.

Allowable Subject Matter

Claims 1-13, 17-23 and 36-45 are allowed.

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Claims 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to teach or fairly suggest an article or method of a product label attached to a product enabling entry into a competition, with machine-readable coded data on the label uniquely indicative of a particular product, to be read by a sensing device moved across the code, and wherein human-readable information that is associated with the machine-readable coded data has fields that are partially defined in relation to page descriptions stored in a computer system, the 'page description' being defined in accordance with the Instant specification, and in particular in relation to the 'netpage' system described by the Applicant throughout, starting notably on page 15 of the Instant specification.

Also, the prior art fails to teach or fairly suggest a system for reading a product label attached to a product enabling entry into a competition, with machine-readable coded data on the label uniquely indicative of a particular product, to be read by a sensing device moved across the code, and wherein the product label further comprises regions that include buttons (claims 31 and 35).

The Examiner has already conceded (see advisory action mailed 2/9/2006) that the prior art contest entry form for a product (Lieberman, used as a secondary reference) does not teach

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that the form is a product label that is attached to the product. The Applicant has also noted previously that the secondary reference does not teach a product code that is strictly unique: the product type is uniquely identified, but two identical products are not distinguished from one another.

Thus, the previous rejection made by the Examiner falls.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

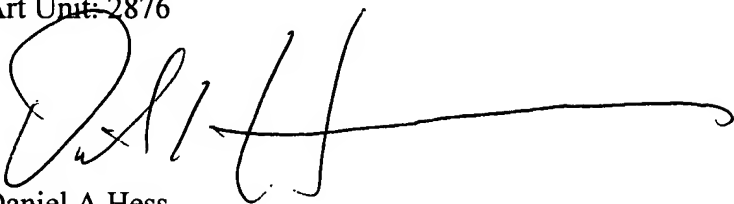
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'D. A. Hess', followed by a long horizontal line that ends in a small hook.

Daniel A Hess
Examiner
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7/24/06